

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Upon entry of this Amendment, claims 10-12 and 14-16 are pending in this application. In response to the Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

As a preliminary matter, Applicant thanks the Examiner for indicating dependent claims 11, 12 and 14-16 contain allowable subject matter. By this Amendment, Applicant has rewritten dependent claims 11, 12, 14 and 15 in independent form. Accordingly, Applicant respectfully submits that claims 11, 12 and 14-16 should now be in condition for allowance, and such action is hereby solicited

Claim 10 is rejected under 35 U.S.C. § 102(b) as being anticipated by newly cited Powers (U.S. Patent No. 5,711,994). Applicant respectfully submits that the claimed invention would not have been anticipated by or rendered obvious in view of the cited reference.

Claim 10 is directed to "[a] process for film deposition in which a film is deposited on surfaces of a substrate in a vacuum chamber capable of maintaining a vacuum therein." Claim 1, as amended, requires:

substantially vertically traveling a continuous sheet as a substrate; and continuously conducting a film deposition on the surfaces of the continuous sheet; the film deposition being conducted substantially horizontally on the surfaces of the substantially vertically traveling continuous sheet by film depositors provided directly across from and facing each other on opposite sides of the continuous sheet, and the continuous sheet being a non-woven fabric having a mass of about 5 to 300g/m².

In rejecting claim 10, the Examiner cites Figure 2 of Powers for allegedly disclosing the claimed deposition process and column 6, lines 55-62 for allegedly disclosing the claimed mass of the non-woven fabric sheet.

Powers discloses a method of treating a nonwoven fabric or web with a treating composition at least 90% by weight active ingredients by subjecting the nonwoven to a uniform concentration of the composition in an atomized form within a treating station. As shown in Figure 2, a fiber-formed web 116 is sequentially conveyed through first and second treatment stations 126 enclosed by walls 137, wherein each of the treatment stations 126 include an atomizing nozzle 128 which directs an atomized spray 136 of treatment fluid against the web 116. The first and second treatment stations 126 further include vacuum means 138 which are provided to maintain a uniform concentration of treatment fluid applied to the web 116 and remove excess treating fluid. The atomizing nozzle 128 in the first treatment station 126 and the atomizing nozzle 128 in the second treatment station 126 are disposed on opposite sides of the web 116 so as to treat the opposites sides of the web 116 with treating fluid.

However, Applicant respectfully submits that Powers does not teach or suggest that "the film deposition [is] conducted substantially horizontally on the surfaces of the substantially vertically traveling continuous sheet by film depositors provided directly across from and facing each other on opposite sides of the continuous sheet", as required by claim 10. Instead, Powers teaches that the atomizing nozzles (which the Examiner cites as allegedly corresponding to the claimed film depositors) in the first and second treatment stations are located in different locations along the conveying path of the web. Thus, Powers does not disclose that the

atomizing nozzles in the first and second treatment stations are provided directly across from each other on opposite sides of the web.

Further, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify Powers to include this feature of the present invention since Powers teaches that the vacuum means 138 must provided directly across from (facing) the atomizing nozzle 128 in order to maintain a uniform concentration of treatment fluid applied to the web 116 and remove excess treating fluid (see Powers at column 7, lines 33-40). That is, modifying Powers to include atomizing nozzles directly facing each other across the web would require moving or eliminating the vacuum means thereby impermissibly changing the principle of operation of the reference.¹

In view of the above, Applicant respectfully submits that claim 10 should be allowable because the cited reference does not teach or suggest all of the features of the claimed invention.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

¹ If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 10/066,380

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 1, 2004

Attorney Docket No.: Q67634